

LETTER  
OF THE  
POSTMASTER GENERAL,

RELATIVE TO

*The authority of a postmaster to refuse to deliver letters to a person authorized to receive them by the person to whom the letters are addressed.*

JUNE 4, 1858.—Submitted from the Committee on Post Offices and Post Roads, and ordered to be printed.

POST OFFICE DEPARTMENT,  
June 3, 1858.

SIR: I have to acknowledge the receipt of your letter of the 21st instant, transmitting a resolution of the Senate of May 20, 1858, instructing its Committee on Post Offices and Post Roads "to inquire whether the post office laws authorize a postmaster to refuse to deliver letters to a person authorized to receive them by the persons to whom the letters are addressed, and whether any legislation is required on the subject," and desiring me to furnish the committee with such information and views thereon as may be in my power.

To answer this inquiry satisfactorily, it may be proper, and would seem to be essential, to consider what are the requirements and provisions of various existing laws which must be viewed in connexion with each other, in order to determine what is the true policy and intention of those laws relative to the matter in question.

The 11th section of the act of March 3, 1825, after requiring every postmaster to keep an office, for the purpose of performing his duties, open at such hours as the Postmaster General may direct, adds, "and it shall be the duty of the postmaster, at all reasonable hours on every day of the week, to deliver, on demand, any letter, paper or packet, to the person entitled to or authorized to receive the same."

The 13th section of the act of March 1, 1847, and the 2d section of the civil and diplomatic appropriation bill of May 2, 1842, not only recognize the right of a postmaster to keep in his office "boxes or pigeon-holes, or other receptacles for letters or papers," and to charge individuals for the use of them, but authorizes him to keep, to a certain extent, the amounts he receives for the use of the same, as a part or portion of his own official compensation.

By the 41st section of the act of July 2, 1836, the Postmaster Gen-

eral is authorized "whenever the same may be proper for the accommodation of the public in any city, to employ letter-carriers for the delivery of letters received at the post office in said city, except such as the persons to whom they are addressed may have requested, in writing addressed to the postmaster, to be retained in the post office; and for the receipt of letters at such places in the said city as the Postmaster General may direct, and for the deposit of the same in the post office;" it fixes the compensation to be received by the carrier and paid by the person to whom the letter is thus delivered, or of whom it is received for deposit, and adds, "all of which receipts by the carriers in any city shall, if the Postmaster General so direct, be accounted for to the postmaster of said city, to constitute a fund for the compensation of the said carriers, and to be paid to them, in such proportions and manner as the Postmaster General may direct; each of said carriers shall give bond, with sureties to be approved by the Postmaster General, for the safe custody and delivery of letters, and for the due account and payment of all the moneys received by him."

The 10th section of the act of March 3, 1851, also authorizes the Postmaster General "at all offices where the postmasters are appointed by the President of the United States, to establish post routes within the cities or towns, to provide for conveying letters to the post office by establishing suitable and convenient places of deposit, and by employing carriers to receive and deposit them in the post office; and at all such offices it shall be in his power to cause letters to be delivered by suitable carriers, to be appointed by him for that purpose, for which not exceeding one or two cents shall be charged to be paid by the person receiving or sending the same; and all the sums so received shall be paid into the Post Office Department."

It seems evident that the requirement in the act of 1825 on a postmaster "to deliver, on demand, any letter, paper, or packet, to the person entitled to, or authorized to receive the same," must not only be viewed in connexion with the other laws above cited, and modified by their requirements, but that of itself it does not necessarily cover the ground embraced in the resolution of the Senate, because *it leaves open* the important question of *who is* legally "entitled to or authorized to receive" a certain letter, or letters, under certain circumstances. Other principles of law, not named in the above act, must be resorted to, and have been resorted to, in determining that question, and necessarily determine it in accordance with the facts of the particular case. Even the "regulations" of the department, which say that "the persons entitled to letters received by mail are those whose names are in the address," and that "the delivery should be either to the person addressed or according to his order," are necessarily subject to the same limitations and conditions.

It is certain that the provisions of the acts of May 2, 1842, March 1, 1847, July 2, 1836, and March 3, 1851, have materially modified the provisions of the act of March 3, 1825, not only as to how letters are to be delivered, but to whom they are to be delivered. And accordingly the department, although its general "regulations" are as above stated, has found it an imperative duty not to suffer the provisions of the first mentioned acts to be evaded or defeated by the efforts

of evil disposed or interested individuals, or combinations of individuals. It can neither suffer the just revenues of the department, the lawful emoluments of its postmasters, nor its powers and duties and the positive requirements of law in relation to the carrier system, to be rendered nugatory by devices for ostensibly conforming to the letter of the act of 1825, without regarding the unquestionable modifications which the general expressions of that act have sustained by the subsequent acts above alluded to.

I am not prepared to recommend any further legislation on this subject, nor am I aware that any is required.

As requested, I return herewith the resolution of the Senate.

Very respectfully, your obedient servant,

AARON V. BROWN.

Hon. D. L. YULEE,

*Chairman Committee on Post Offices and Post Roads,*  
*U. S. Senate.*

